

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Frank Montgoris	Team: Squad #16	CCRB Case #: 201806107	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 07/12/2018 1:35 AM	Location of Incident: § 87(2)(b)	Precinct: 84	18 Mo. SOL 1/12/2020	EO SOL 1/12/2020	
Date/Time CV Reported Wed, 07/18/2018 5:25 PM	CV Reported At: IAB	How CV Reported: Fax	Date/Time Received at CCRB Fri, 07/27/2018 11:12 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Saief Hasnain	26137	943358	084 PCT
2. SGT Desmond Noel	4606	935404	084 PCT
3. An officer			084 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Abdullah Odeh	05428	961029	084 PCT
2. POM Ocean Wong	07028	964843	084 PCT
3. POM Steven Nieves	23976	950954	084 PCT
4. POM Nicholas Skelton	18283	961299	084 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Desmond Noel	Abuse: Sergeant Desmond Noel supervised the entry of § 87(2)(b) in Brooklyn.	§ 87(2)(b)
B.POM Saief Hasnain	Abuse: Police Officer Saief Hasnain threatened to damage § 87(2)(b)'s property.	§ 87(2)(b)
C. An officer	Abuse: An officer threatened to arrest § 87(2)(b)	§ 87(2)(b)
D.SGT Desmond Noel	Abuse: Sergeant Desmond Noel forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)

### Case Summary

§ 87(2)(b) filed this complaint with IAB via fax on July 18, 2018, generating log number 18-27972. The CCRB received this case on July 27, 2018.

On July 12, 2018 at approximately 1:35 a.m., officers from the 84<sup>th</sup> Precinct responded to § 87(2)(b)'s apartment, located at § 87(2)(b) in Brooklyn, regarding a wellness check. Officers, under the supervision of Sgt. Desmond Noel, entered § 87(2)(b)'s apartment (**Allegation A: Abuse of Authority**, § 87(2)(g)). PO Saief Hasnain threatened to damage § 87(2)(b)'s property (**Allegation B: Abuse of Authority**, § 87(2)(g)). An officer allegedly threatened to arrest § 87(2)(b) (**Allegation C: Abuse of Authority**, § 87(2)(g)). Officers, under the supervision of Sgt. Noel, forcibly removed § 87(2)(b) to § 87(2)(b) (**Allegation D: Abuse of Authority**, § 87(2)(g)). No arrests or summonses resulted from this incident.

Six body-worn camera (BWC) videos were obtained from this incident which captured the entirety of § 87(2)(b)'s interaction with police officers. Videos were edited with Snag-It, and the relevant portions are embedded below. The videos referred to below in Allegations A, C, and D were not embedded because of the length of the relevant portions.

**Allegation A – Abuse of Authority: Sergeant Desmond Noel supervised the entry of § 87(2)(b) in Brooklyn.**

**Allegation D – Abuse of Authority: Sergeant Desmond Noel forcibly removed § 87(2)(b) to the hospital.**

It is undisputed that a male individual, identified by the investigation only as § 87(2)(b) called 911 and stated that § 87(2)(b) wanted to commit suicide and had taken an unspecified number of pills. It is also undisputed that officers and EMS arrived at § 87(2)(b)'s apartment for a wellness check for her, and that she attempted to close her door on the officers upon their arrival. It is further undisputed that officers and EMS entered § 87(2)(b)'s apartment, and that she was ultimately removed to § 87(2)(b). Lastly, it is undisputed that Sgt. Noel was the supervisor on scene.

PO Abdullah Odeh's BWC footage, which captures the entirety of the incident, shows PO Hasnain and PO Odeh asking § 87(2)(b) outside of her apartment if she was okay and if she had any intention of hurting herself. § 87(2)(b) replies, "I'm going to go now," and walks back inside of her apartment. PO Hasnain walks towards the door, and at 01:28 minutes, is seen with his right foot past the threshold and against the door. At 01:43 minutes, § 87(2)(b) is seen attempting to close the door on PO Hasnain, and PO Hasnain reaches in and turns the chain lock into the threshold to prevent the door from closing. Officers are then seen entering the apartment. An unidentified EMT is seen on a cell phone speaking with an individual he later identifies to be Osiris. Throughout the video, Sgt. Noel is seen telling § 87(2)(b) four times that she needs to go to the hospital, but § 87(2)(b) refuses each time. The unidentified EMT ends the telephone conversation and tells § 87(2)(b) that Osiris told him she had ingested a large quantity of pills. The EMT tells § 87(2)(b) a total of eight times that she needs to go to the hospital, informing § 87(2)(b) that there was "no choice." § 87(2)(b) ultimately leaves with emergency personnel and is placed in an ambulance (Board Review 04).

Police officers are permitted to enter a premises without a warrant if they reasonably believe that there is an emergency and immediate need for their assistance for the protection of life or property. *People v. Greenleaf*, 634 N.Y.S. 2d 892 (1995). The emergency exception is applied when the officers possess an objective reasonable basis to believe that an occupant is injured or imminently threatened with injury. *Brigham City v. Stuart*, 547 U.S. 398 (2006). A

person is considered emotionally disturbed and must be taken into custody when an officer reasonably believes that the person is conducting themselves in a manner likely to result in a serious injury to themselves or others. NYPD Patrol Guide, Section 221-13 (Board Reviews 05, 06, and 07).

§ 87(2)(g)

§ 87(2)(g)

**Allegation B - Abuse of Authority: Police Officer Saief Hasnain threatened to damage § 87(2)(b)'s property.**

It is undisputed that PO Hasnain threatened to shoot § 87(2)(b)'s dog, which is was an average-sized pit bull.

§ 87(2)(b) alleged that officers knocked on her door and informed her that her ex-boyfriend, Osiris, had called 911 and said that she was suicidal. While talking with PO Hasnain, her terrier dog began barking. An officer, who § 87(2)(b) described as a 6'2" tall, Italian-American male with a Brooklyn or Staten Island accent, told § 87(2)(b) "Get that dog under control." § 87(2)(b) replied, "She is under control. She's not hurting you." The officer responded, "If you don't put her away, I will shoot her" (Board Review 01).

The Snag-It edit of PO Hasnain's BWC video shows § 87(2)(b) opening her door and her dog exiting the apartment into the hallway and walking rapidly towards officers. When speaking with § 87(2)(b) the dog is heard barking periodically. At 1:30 minutes, PO Hasnain asks § 87(2)(b) "Do me a favor, please. Can you put that dog away?" § 87(2)(b) replies, "No. She's my dog. I'm not going to put her away." PO Hasnain responds, "I understand. If that dog gets violent, we have to shoot it." PO Hasnain tells § 87(2)(b) four additional times to "put [the dog] away," with § 87(2)(b) declining each time. At 2:01 minutes, PO Hasnain tells § 87(2)(b) "Before you lose that dog, put it away" (Board Review 11).



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Police officers are prohibited from discharging their weapons at a dog except to protect any person present from imminent physical injury, with no other reasonable means to eliminate the threat. NYPD Patrol Guide, Section 221-01 (Board Review 03).

§ 87(2)(g)

**Allegation C – Abuse of Authority: An officer threatened to arrest** § 87(2)(b)

§ 87(2)(b) alleged that, while officers were inside of her apartment, officers were telling her that she was a danger to herself and that she needed to go to the hospital. § 87(2)(b) repeatedly told the officers that she did not want to go to the hospital, but an officer whom § 87(2)(b) could not recall told her that she would be arrested and taken to the hospital if she did not willingly go (Board Review 01).

PO Hasnain’s BWC video, which captures the entirety of the officers’ stay inside of § 87(2)(b) s apartment, shows officers entering the apartment at 4:53 minutes and exiting at 16:32 minutes. Throughout this timeframe, an officer is never heard threatening § 87(2)(b) with arrest or mentioning the topic of arrest with § 87(2)(b). At 9:35 minutes, an unidentified EMT tells § 87(2)(b) after she refuses to go to the hospital, “If you’re going to continue to say no, they’re going to put you in handcuffs” (Board Review 02).

§ 87(2)(g)

**Mediation, Civil, and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- As of September 5, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 09).

**Civilian and Subject Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 10).
- Sgt. Noel has been a member of service for 14 years and has been a subject in two CCRB complaints and two allegations, none of which were substantiated. § 87(2)(g)
- PO Hasnain has been a member of service for 11 years and this is the first CCRB complaint to which he has been a subject.

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Squad No.: 16

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date